

# INTERBOROUGH CASE NOT TO BE DROPPED

Grand Jury Will Go Right On Despite Action of District Attorney.

REPEATS HE IS 'THROUGH'

Also Asserts That He Will Drop the Milk Price Investigation.

No matter what District Attorney Swann's plans may be regarding the further investigation into his charges that the recent strike of the Interborough Rapid Transit trainmen was the result of collusion between the union and the officials of the company to further the cause of increased fares, the present Extraordinary Grand Jury intends going into the matter when it reconvenes Tuesday.

Raymond P. Almiral, foreman of the Grand Jury, said so last night. He insisted that Mr. Swann was in error in assuming that such were the business affiliations of any member of the Grand Jury that the body could not look for a presentation of what evidence he has.

Mr. Almiral asserted that it was a wholly competent and unbiased body clothed with powers to investigate and that it would investigate.

He denied that Mr. Swann said in open court that three of the jurymen were interborough stockholders, but added that while there were two or three such persons on the jury their holdings were inconsiderable.

On the other hand, Mr. Swann said at his home that he was "through" with his investigations into traction matters and milk as well. He said that whatever investigation the Extraordinary Grand Jury made would be made by the Grand Jury alone. He would question witnesses, he said, but not call them unless requested to by the jurymen and named by the jurymen.

Gov. Smith said that he had not been asked to take a hand yet and that he did not know what his course would be if asked.

Defends Einstein's Motion. Mr. Almiral was reminded that Herbert G. Einstein, a member of the Grand Jury and a stock broker with offices in 18 Broad street, had offered a motion calling for an investigation of the transit situation.

"That may be so," he replied. "There were several doing so at my request. Mr. Einstein was one of them and as high class citizenship as any member of the extraordinary Grand Jury. Both motions and the pronouncement were formulated by me in my endeavor to express the unanimous sense of the members of the Grand Jury. Obviously it is the object of the motion to cause prompt determination of the charges of conspiracy against the union and the company."

"This Grand Jury does not desire to throw any reflections upon the District Attorney's office. However, it does desire to proceed as it sees fit and to determine fairly and without prejudice or favor all matters that come before it, and it believes that the reasons presented in open court that its duty can best be accomplished in that manner. Mr. Swann did not in open court say that three members of this Grand Jury are interborough bondholders. The newspaper so saying is in error."

Swann Is Out of It. "As far as the investigations of the traction and milk situations are concerned," said District Attorney Swann last night, "I'm through. Whether I have or have not enough evidence of collusion between the Interborough Rapid Transit Company and the subway employees' union remains to be seen. I reiterate my former statement that I shall submit nothing to this extraordinary term of the Grand Jury. Whether I shall submit anything to any succeeding Grand Jury I refuse to say."

"If this present Grand Jury wishes to go into the matter it has my consent, and if it needs it, my assistance in so far as questioning witnesses and adducing testimony are concerned. Personally I am through. I submit nothing. I shall not question the integrity of any members of the present extraordinary term of the Grand Jury nor shall I seek to embarrass any of them by questions."

Mr. Almiral was asked yesterday what he meant by the phrase "representatives of capital and labor" as used in his presentment to Justice Weeks on Friday.

"Just this," he said. "There is no capitalist or labor leader among the members of the Grand Jury. The membership comprises more than a dozen occupations, all of which have a greater or lesser relationship to both capital and labor and should therefore be representative fairly and without prejudice to either."

Mr. Almiral said that Justice Weeks seemed disposed to confer with the District Attorney in regard to the exclusion of the Interborough Rapid Transit Company from the list of occupations, all of which have a greater or lesser relationship to both capital and labor and should therefore be representative fairly and without prejudice to either."

Action Was Unanimous. "The motion was unanimous," said Mr. Almiral. "The District Attorney would not hear of it. Then Justice Weeks withdrew his proffer. We were told by Justice Weeks that the extraordinary Grand Jury could appeal to Gov. Smith concerning Mr. Swann's refusal to have a special prosecutor appointed."

Mr. Almiral was asked whether he thought that District Attorney Swann learned, while the Grand Jury was in session, whether any member thereof owned traction stock.

"It is not so," he replied. "It seems highly improper to reveal any proceedings of a Grand Jury session. I am not privileged to state the names of the men to whom Mr. Swann referred as being connected in business with Delancey Street and J. Pierpont Morgan. It is sufficient to say that in both cases Mr. Swann was absolutely in error, and could have made no investigation of his remarks before uttering them."

"Who are the traction securities owners referred to by Mr. Swann?" Mr. Almiral was asked.

"I may not state that," he replied. "However, the amounts of such holdings are immaterial and according to the procedure of grand juries, jurors who conscientiously feel that there may be reason for prejudice, do not vote. Further, please do not assume that any grand juror seeks to conceal his business interests. The business interests of the grand jurors cannot be new to the District Attorney."

Mr. Battle's Declaration. George Gordon Battle has refused to consider an appointment as special assistant prosecutor. In a statement issued yesterday, he said:

"I told my friends that I was sure that I must be mistaken, as I had no connection with and no knowledge of the investigation and had not heard of any such action taken by the Grand Jury. This morning I have read in the newspapers for the first time an account of the proceedings before Justice Weeks yesterday. I wish to repeat my statement that those proceedings were entirely without my knowledge. I know nothing about the investigation and have no relation of any sort to it. I have the utmost confidence in the professional skill, diligence and integrity of District Attorney Swann and Assistant District Attorney Talley, both of whom are men of high character and high ability. I am sure that the appointment of any special prosecutor would be entirely unnecessary. It would have been absolutely impossible for me to have accepted any such employment."

## HOLDS UP 'TRIBUTE' TO BRITISH SEAMEN

Prosecutor Probes Fund With \$16,000 a Year Office and \$150 a Week Collectors.

Francis H. Deane and Mrs. M. Edmundson, respectively national secretary and acting treasurer of "America's Tribute to British Merchant Seamen," the name of a movement having for its object the raising of funds in this country to help care for the British merchant seamen, were acting yesterday by Alfred J. Talley, Acting District Attorney, to discontinue taking subscriptions for the fund pending a further investigation.

Both Mr. Deane and Mrs. Edmundson had been summoned to the office of the prosecutor, where they were questioned yesterday morning by Edwin P. Kilroe, Assistant District Attorney, who has charge of general war charity investigations.

Mr. Deane informed Mr. Kilroe that the work of raising the fund is being promoted by a sub-committee of the English committee under appointment of the Seamen's League of Great Britain, which, he said, has 14,000,000 members. The "Tribute" fund, said Mr. Deane, was organized by the late Lord Bessborough and its chairman in England, William H. Appleton, authorized him, and Mrs. Edmundson to act for it here.

He said he is allowed a salary of \$100 a week, Mrs. Edmundson \$50 a week, while a bookkeeper and two stenographers each are paid \$25 a week. The offices are kept by the organization at 425 Fifth avenue. Mr. Deane, who is a member of the fund, is a resident of 100 West 11th street, New York City.

Though he admitted that \$150 had been collected thus far, Mr. Deane insisted that the campaign for funds had not really begun, but will be started when the drive in London gets under way. When the money is collected in this city, he told Mr. Kilroe, it will be deposited here in bond and only the interest sent abroad. The fund, he said, is intended for the support of a home for seamen and other subjects of national importance. An effort to obtain the endorsement of the convention for long time loans to former soldiers and sailors was rejected by a decisive vote.

Wadsworth for Citizens' Army. Senator Wadsworth was received with applause when he was introduced to speak on the so-called army bill, which he said is a large standing army, to be maintained at enormous expense. His idea for a military establishment for the United States, he said, was a small, highly efficient army for the instruction of a great citizen's army in which each citizen would be obliged to serve for a brief period of training, afterward to be assigned to a certain unit for further training at stated intervals.

The Senator's remarks were applauded enthusiastically when he declared that he would allow no man to become an officer in the proposed new American army unless he had first done his bit in the ranks. On the other hand, he said, he would set no limit to the rank to which a private might rise through merit. He emphasized the fact that the War Department bill provides for an expenditure of approximately \$500,000,000 annually, of which \$300,000,000 would be expended on the upkeep of the standing army and only \$200,000,000 on the proposed citizen's army.

He would still maintain the carefully trained West Point group of military experts, he said, but merely as a means of training the proposed army of citizens, which he said would be a body of men, every able-bodied man would have a part. In the course of a few years, he declared, the United States would have one of the greatest military forces in the world, ready for instant use against any aggressor, but not dominated by a militaristic spirit.

Election Proves to Be Exciting. Other delegates from the western end of the state took the day in San Francisco. The following day they were given to the Yosemite Valley. Three hours will be given to Los Angeles on the 17th, and the 18th will be devoted to the Grand Canyon. The other stopping points are Albuquerque, the 19th; Colorado Springs, 20th; St. Louis, 21st; Cincinnati, 22d; Pittsburgh, 23d; New York, 24th; New Orleans, 25th; Washington, 26th; Philadelphia, 27th; Washington, 28th, 29th and 30th. They will leave Washington the night of the 28th for New York, via the Chesapeake and Potomac, and will carry them back to Belgium.

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## BONUS PLAN URGED BY JERSEY LEGION

Vocational Training Board Condemned by Veterans.

A resolution favoring an additional bonus for soldiers, sailors and marines who served in the world war was adopted by a vote of 879 to 83 yesterday at the first convention of the American Legion of New Jersey in the Prudential Insurance Company's building.

In another resolution the legion condemned the Federal Board for Vocational Training for its alleged inefficient work and recommended an investigation of the board. The vote was unanimous on this resolution.

Another resolution favors universal training and the establishment of a large army, but emphatically opposes a standing army. A resolution placing the legion on record as being neither for or against the League of Nations was tabled.

The national flag that is said to have gone "over the top" in the war in France was introduced by Lieut. A. Bruce Conlon, a delegate from Westfield, Conn. Runyon addressed the convention and urged his delegates to perpetuate Americanism. He said:

"Those who do not preach full fledged Americanism must be done away with. Those who have false gods, preach false doctrines of contempt, sedition and treason—we haven't room enough for those."

"May your first aim be to insist with all your might that the country that stands as a menace to those things for which you fought and for which so many of you died."

## LEA G. DE FOREST BY AMERICAN LEGION

State Veterans Ask Congress for \$15 for Each Month Served in War.

CLASH OVER ELECTION

Senator Wadsworth Cheered for Speech in Favor of Citizens Army.

Special Despatch to The Sun.

ROCHESTER, Oct. 11.—Following the address of United States Senator James W. Wadsworth, Jr., and the approval of a number of important resolutions affecting the welfare of former service men, the first annual convention of the New York State American Legion passed into history late to-day. The next convention will take place in Albany one month before the national convention of next year, the date to be announced.

Prohibition and other subjects of national interest outside the immediate range of the legion's activities were left to the care of the permanent legislative committee. Most important of the resolutions approved was the following: "Resolved, That it is the sense of this convention that an equitable compensation be granted by Congress to the veterans of the great war who have received an honorable discharge, based on a sum not less than \$15 for every month served."

The resolution was adopted after considerable discussion and was regarded as extremely moderate in its final form. In view of the demands which had been proposed by one of the delegates previous to the convention.

It was announced that Legion Sunday would be observed November 9 in the churches of the United States.

A resolution was approved thanking the American Red Cross for its services on behalf of service men. Other resolutions were: Urging that former soldiers be reemployed as fast as discharged; favoring the Americanization of all foreign born residents of the United States as rapidly as practicable; denunciation of alien slackers; urging that sedition utterances in the United States be suppressed; asking legislation for universal military service; advocating Federal legislation favoring the appointment of former service men to civil service positions in preference to civilians; asking State and Federal care of disabled service men; urging a speeding up of plans for vocational training of service men.

A resolution approving the League of Nations was submitted into the Committee on Legislation, along with proposals for the Americanization of all foreign born residents of the United States as rapidly as practicable; denunciation of alien slackers; urging that sedition utterances in the United States be suppressed; asking legislation for universal military service; advocating Federal legislation favoring the appointment of former service men to civil service positions in preference to civilians; asking State and Federal care of disabled service men; urging a speeding up of plans for vocational training of service men.

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## SCHAUFFLER-DE FOREST.

Major and New York Girl.

In the Church of the Epiphany, Lexington avenue and Thirty-fifth street, yesterday at 12:30, Miss Augusta Spring de Forest, a daughter of Mr. and Mrs. Shepherd S. de Forest, was married to Major William G. Schaufler, Jr., of the Air Service. The church was decorated with yellow chrysanthemums and palms.

The Rev. William T. Crocker, rector, assisted at the ceremony. Mr. Schaufler, uncle of the bridegroom, of New Rochelle, N. Y., performed the ceremony.

The bride, who was given away by her mother, wore a gown of soft white satin with a long train and a high collar. Her veil was of antique mull and lace. She carried a bouquet of white roses and lilies of the valley.

The groom wore a tuxedo and a hat of brown velvet, carrying a cluster of large yellow chrysanthemums. The bridesmaids wore gowns of white chiffon, finished with a delicate lace collar and cuffs.

The flower girls wore frocks of white mull and lace, finished with orange colored sashes. They carried small old fashioned bouquets of pink roses.

Major C. O. H. Kayser was best man, and the ushers were Capt. Alan Lockwood, Harold Gallot, Alan Schaufler, cousin of the bridegroom, and Rider Bryan, Theodore Knapp, a cousin of the bride, and Francis Cooley of Hartford, Conn. After the ceremony there was a small reception and breakfast in the home of the bride's parents, 118 East Thirty-sixth street.

Among the guests were Mr. and Mrs. Harry K. Knapp, Miss Caroline de Forest, Mrs. Edward Knapp, Mrs. Alexander C. Rogers, Miss Daley and Miss Winifred Rogers, Mrs. William G. Schaufler, Mr. and Mrs. Frederick Schaufler, Mrs. Wesley Watson, John T. Gilford, the Misses Gilford, Mr. William Laimbeer and the Misses Elise and Virginia Rice.

The engagement of Miss de Forest and Major Schaufler was announced only a week ago. The wedding was hurriedly arranged as Major Schaufler has a brief leave of absence at this time from Kelly Field, Texas, where he is in command of the Ninetieth Aero Squadron. After a wedding trip of a few days Major Schaufler, with his bride, will return to the Mexican border.

Mr. Winant is a son of Frederick Winant and a nephew of Clinton Gilbert of New York. He was graduated from Princeton in 1913, and served during the war as a Captain in the Aviation Corps. He has been a member of the New Hampshire Legislature, and is at present connected with St. Paul's School, Concord, N. H.

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New York, Oct. 6, 1919.

American Express Co., 65 Broadway, New York City.

Gentlemen:

Permit me to express my grateful admiration for the manner in which your foreign offices have cared for the interests of us war-time travellers in Europe.

Whether our need was for money, good advice or practical assistance, your representatives could always be counted upon for help of the right sort given in the right spirit. Yours is more than a commercial enterprise—the American Express offices over there in sorely troubled countries of the Old World were during the War, and are still, like oases of promptness and efficiency in a desert of business delays and financial confusion.

Faithfully yours,

(Signed) BURTON HOLMES.

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## ROSEN IN RECITAL AGAIN DISAPPOINTS

Gardner's Art Is Heard at Its Best in Aeolian Hall.

Two of the younger generation of violinists were heard in recitals yesterday afternoon. Max Rosen played in Carnegie Hall, while Samuel Gardner was heard in Aeolian Hall. The conditions attending the entertainment of Mr. Rosen were not such as to confirm the hopes for his future formed at his debut. He played in a hall acoustically so reticent that even with an accompaniment equally hostile to his immature and overworked art. He was heard by a curious assembly of persons evidently seeking curiosity, and there were other evidences that he had fallen into dubious ways.

It is possible that pecuniary success can now be brought about by means of musical art whose day is almost over; but multitudes of inexpert listeners, diverting the applause for which they were summoned together cannot stanch any youth with the proud title of artist. Mr. Rosen's playing yesterday was that of a very young person, laboring resolutely, even heroically, to do that which was not in him. His art showed just the same few good qualities and the same numerous deficiencies noted in it when he first came to us. There was no disclosure of progress and under the present conditions surrounding this young man's appearances we shall not expect any.

Mr. Gardner's recital, it was said, was to be his last before departing to Scandinavian lands. A dignified and sincere artist, Mr. Gardner always commands respect, even when he does not evoke enthusiasm. His art was heard at its best yesterday in the shop worn G minor concerto of Bruch. He played it with much beauty of tone, with reticence of style, and with fine musical feeling.

STRIKE DISORDERS AT BREST. 4,000 Parade and Urge Longshoremen to Join Them.

PARIS, Oct. 11.—A serious situation exists at Brest, where disorderly demonstrations by strikers are taking place. Four thousand men employed at the arsenal are on strike and they paraded the streets this morning carrying red and black flags. They extended invitations to the dock workers and longshoremen to join them.

Uniformed strikers have been assaulted by the strikers, who have opened the hydrants in various streets, flooding areas in the lower parts of the town. The general strike at Marseilles was renewed this morning. All the traffic of the port is at a standstill, but there is no disorder.

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